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PTO/SB/61 (09-04)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)

Docket Number (Optional)

First Named Inventor: WILLIAM ARTHUR TAYLOR

Art Unit: 3712

Application Number: 10/045,250

Examiner: Layno

Filed: 11/07/2001

Title: METHOD OF PLAYING AND PAYING GAMBLING GAMES

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact
Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.

NOTE: A grantable petition requires the following items:

- (1) Petition fee.
- (2) Reply and/or issue fee.
- (3) Terminal disclaimer with disclaimer fee-required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay.

1. Petition fee

☒ Small entity - fee \$ 250.00 (37 CFR 1.17(l)). Applicant claims small entity status.
See 37 CFR 1.27.

☐ Other than small entity - fee \$ _____ (37 CFR 1.17(l)).

2. Reply and/or fee

A The reply and/or fee to the above-noted Office action in the form of reply to office action and amendment A (identify the type of reply):

☐ has been filed previously on _____

☒ is enclosed herewith.

B The issue fee of \$ _____

☐ has been filed previously on _____

☐ is enclosed herewith.

[Page 1 of 3]

This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

02/11/2005 HAL111 00000025 10045250

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.



Signature

2/7/2005

Date

William Arthur Taylor

Typed or printed name

1326 Aspen Drive

Address

Evergreen, CO 80439

Address

Registration Number, if applicable

303-670-2842

Telephone Number

Enclosure ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unavoidable delay

☒ ~~Amendment A~~

CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

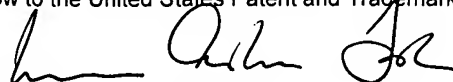
I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

2/8/2005

Date



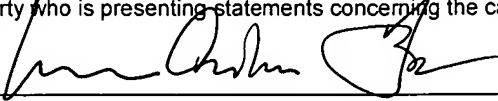
Signature

William Arthur Taylor

Typed or printed name of person signing certificate

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.



Signature

2/7/2005

Date

William Arthur Taylor

Typed or printed name

Registration Number, if applicable

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

The last office action was not received by mail or by email. I don't know how you can prove something did NOT happen, but I promise, I affirm and I swear I did not receive this latest office action until after I made a special inquiry on January 19, 2005, and my examiner faxed it to me.

I have no reason to fabricate this or to delay this. Paying more fees is not fun.

My mail service operates normally in all respects, except once every year or two exceptionally high winds have blown mail from my mailbox. (I don't believe this was the case here, since Sept/Oct 2004 were fairly mild.)

My examiner did acknowledge that in spite of the PTO's best efforts there are sometimes problems with the mail.

Please accept my petition under 37 CFR 1.137(a), as I could not timely reply without the office action. Also please communicate with me at my new permanent email address on this matter if possible at:

wtaylor@vistagaming.com.

Thank you.

(Please attach additional sheets if additional space is needed.)



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/045,230	11/07/2001	William Arthur Taylor		2319

7590

08/25/2004

WILLIAM ARTHUR TAYLOR
1326 ASPEN DRIVE
EVERGREEN, CO 80439

EXAMINER

LAYNO, BENJAMIN

ART UNIT

PAPER NUMBER

3713

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED

SEP 08 2004

TECHNOLOGY CENTER R3700



Office Action Summary

Application No. 10/045,250		Applicant(s) TAYLOR, WILLIAM ARTHUR	
Examiner Benjamin H. Layno		Art Unit 3712	

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

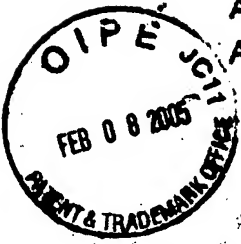
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date 080804. | 6) <input type="checkbox"/> Other: ____. |

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3-5, 7 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Miller.

The patent to Miller discloses a method of playing blackjack, using traditional playing cards, where at least one different winning player point score pays a different award, see table in column 5, lines 21-35. The table may be interpreted as:

	Dealer Total		Payout
If the player beats	17	= (Beat the Dealer with point score of 18)	2:1
If the player beats	18	= (Beat the Dealer with point score of 19)	3:1
If the player beats	19	= (Beat the Dealer with point score of 20)	5:1
If the player beats	20	=(Beat the Dealer with point score of 21)	11:1

Miller game may be played on an electronic gambling device, column 5, line 67 to column 6, line 3.

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In regard to claim 5, Miller recites that the conventional rules of Blackjack are followed, col. 3, line 66 to column 4, line 12, wherein a winning Blackjack pays 3 to 2. Blackjack by definition is a two-card hand of an Ace and a Ten value card forming a hard point total of 21. The winning point total of 21 shown in the table above inherently includes soft point totals, which has a different payback 11:1 than the hard point total of 21.

3. Claims 10 and 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Vancura.

The patent to Vancura discloses a method of playing blackjack, using traditional playing cards, comprising the steps of paying cash on areas 18, 20 for the right to play, and a player receiving a different award for the number of cards taken (hits) to make up the player's point score, see pay table in Fig. 3. The player may be paid for a losing (bust) hand, col. 5, lines 61-64.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vancura in view of Miller.

In view of Miller's teaching of electronic blackjack gambling devices above, it would have been obvious to provide an electronic gambling device version of Vancura's

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game. This modification would have made Vancura's game more attractive to players who are more comfortable playing electronic gambling devices.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: steps that a dealer and players must perform in order to carry out game play such as "each player placing a wager", "a dealer dealing two cards to each player, dealing two cards to the dealer", "allowing each player to take additional cards, as desired", etc. See the claims of Miller and Vancura.

8. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

9. Claims 2, 6, 10 and 11 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In regard to claims 2, 6, and 11. It is not clear from reading the specification how the expected value of the claimed game can exceed 100%. If claimed

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game has an expected value that exceeds 100%, then dealer (casino) is losing money for that game. The claimed game would not be profitable.

Furthermore, in claim 10 the claimed "achieving a pre-defined status in a player's club" is not recited in the specification.

Drawings

10. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "electronic gambling device", "traditional playing cards" and a flow chart illustrating the steps of the method of play, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will

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Art Unit: 3712

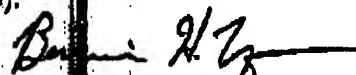
Page 6

be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin H. Layno whose telephone number is (703) 308-1815. The examiner can normally be reached on Monday-Friday, 1st Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dennis Banks can be reached on (703) 308-7455. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Benjamin H. Layno
Primary Examiner
Art Unit 3712

bhl



Notice of References Cited

Application/Contr. No.
10/045,250

Applicant(s)/Patent Under
Reexamination
TAYLOR, WILLIAM ARTHUR

Examiner
Benjamin H. Layne

Art Unit
3712

Page 1 of 1

U.S. PATENT DOCUMENTS

* A	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
A	US-6,450,500 B1	09-2002	Miller, Alan S.	273/292
B	US-5,673,917	10-1997	Vascura, Olof	273/292
C	US-			
D	US-			
E	US-			
F	US-			
G	US-			
H	US-			
I	US-			
J	US-			
K	US-			
L	US-			
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FOREIGN PATENT DOCUMENTS

* N	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
N					
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NON-PATENT DOCUMENTS

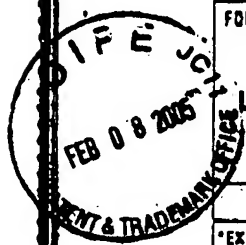
* U	Include as applicable: Author, Title Data, Publisher, Edition or Volume, Pertinent Pages)
U	
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*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.06(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

U.S. Patent and Trademark Office
PTO-882 (Rev. 01-2001)

Notice of References Cited

Part of Paper No. 080904



FORM PTO-1449 (Substitute)

Sheet 1 of 1

LIST OF PRIOR ART CITED BY APPLICANT (Use several sheets if necessary)

ATTY. DOC. NO.

SERIAL NO.

APPLICANT

ARTHUR TAYLOR

FILING DATE

NOVEMBER 07, 2001

GROUP

3700

10/8/04
10/8/04
10/8/04

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
BAL	AA	5,615,888	1997	Lofink, et al.	273/292	273/274	1996
BAL	AB	5,979,897	1999	Grossman	273	292	1998
BAL	AC	5,954,335	1999	Moody	273	292	1998
	AD						
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FOREIGN PATENT DOCUMENTS

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OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

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	AS						
	AT						

EXAMINER

Benjamin H. Y.

DATE

CONSIDERED

8/8/04

* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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